

ESTTA Tracking number: **ESTTA635540**

Filing date: **10/28/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Thru, Inc.		
Entity	Corporation	Citizenship	TEXAS
Address	909 Lake Carolyn Parkway Suite 750 Irving, TX 75039 UNITED STATES		

Attorney information	John M Cone Hitchcock Evert LLP P.O. Box 131709 Dallas, TX 75313-1709 UNITED STATES jcone@hitchcockevert.com, docket@hitchcockevert.com, jrackley@hitchcockevert.com Phone:214 880 7002
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Applicant Information

Application No	85012206	Publication date	10/28/2014
Opposition Filing Date	10/28/2014	Opposition Period Ends	11/27/2014
Applicant	DROPBOX, INC. 185 BERRY STREET, 4TH FLOOR SAN FRANCISCO, CA 94107 UNITED STATES		

Goods/Services Affected by Opposition


Class 042. First Use: 2004/08/04 First Use In Commerce: 2004/08/04
All goods and services in the class are opposed, namely: Providing online non-downloadable software for uploading and transferring files for the purpose of file back up and synchronization, not including software for uploading or transferring advertising programs and media advertising communications

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	85475272	Application Date	11/17/2011
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	DROPBOX		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2004/05/11 First Use In Commerce: 2004/05/11 Downloadable computer software for uploading, transferring, downloading, storing, and sharing data, documents, files, information, text, photos, images, graphics, music, audio, video, and multimedia content with others via networks, mobile telephones, and other communications</p> <p>Class 039. First use: First Use: 2004/05/11 First Use In Commerce: 2004/05/11 Storage of data, documents, files, information, text, photos, images, graphics, music, audio, video, and multimedia content</p> <p>Class 042. First use: First Use: 2004/05/11 First Use In Commerce: 2004/05/11 Providing on-line non-downloadable software for uploading, transferring, downloading, storing, and sharing data, documents, files, information, text, photos, images, graphics, music, audio, video, and multimedia content with others via networks, mobile telephones, and other communications</p>
Related Proceedings	Cancellation No. 92058621
Attachments	<p>85475272#TMSN.png(bytes)</p> <p>141028 Notice of Opposition.pdf(17293 bytes)</p>

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/s/ John M. Cone
Name	John M Cone
Date	10/28/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85/012,206 DROPBOX

<hr/>	§	
THRU INC.,	§	
Petitioner,	§	
	§	
v.	§	Opposition No. _____
	§	
DROPBOX, INC.,	§	
Registrant.	§	
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TO THE HONORABLE TRADEMARK TRIAL AND APPEAL BOARD

**NOTICE OF OPPOSITION TO
APPLICATION S.N. 85/012,206 DROPBOX**

Opposer THRU INC. ("Thru") in support of its opposition to application S.N. 85/012,206 DROPBOX (the "Application") would show the Board as follows:

1. The Application was filed on April 12, 210 and the application recites a date of first use of the mark DROPBOX by the Applicant of August 4, 2004.
2. Long before either of these dates, Thru had started to use the trademark DROPBOX for the services identified in its application S.N. 85/475,272, namely, downloadable computer software for uploading, transferring, downloading, storing, and sharing data, documents, files, information, text, photos, images, graphics, music, audio, video, and multimedia content with others via networks, mobile telephones, and other communications; storage of data, documents, files, information, text, photos, images, graphics, music, audio, video, and multimedia content; providing on-line non-downloadable software for uploading, transferring, downloading, storing, and sharing data, documents, files, information, text, photos, images, graphics, music, audio, video,

and multimedia content with others via networks, mobile telephones, and other communications. Thru's rights in its mark DROPBOX have priority over any rights that Applicant may have in its mark DROPBOX.

3. Applicant's mark DROPBOX, when used for the services of the Application, namely, providing online non-downloadable software for uploading and transferring files for the purpose of file back up and synchronization, not including software for uploading or transferring advertising programs and media advertising communications, so resembles Thru's mark DROPBOX as to be likely to cause confusion or to cause mistake or to deceive.

4. Thru is damaged by the Application as the application is a potential obstacle to Thru's right to use and register the mark DROPBOX for its services.

5. Thru prays that the Application be refused registration and for such other and further relief to which it may be entitled.

Dated: October 28, 2014

Respectfully submitted,

/s/ John M. Cone

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ATTORNEY FOR PETITIONER
THRU INC.

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of October 2014, a true and correct copy of the foregoing document was served via U.S. First Class Mail, postage prepaid on the Attorney/Correspondent for the Applicant:

Susan L. Heller
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With a copy to:

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Palo Alto CA 94304-1050

/s/ John M. Cone
John M. Cone